

EXHIBIT 78

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**COUNSEL FOR NEXPOINT REAL ESTATE PARTNERS, LLC
F/K/A HCREE PARTNERS, LLC**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: § **Chapter 11**
HIGHLAND CAPITAL MANAGEMENT, L.P. § **Case No.: 19-34054-sgj11**
Debtor. §

**RESPONSE TO MOTION TO DISQUALIFY WICK PHILLIPS
GOULD & MARTIN, LLP AS COUNSEL TO HCREE PARTNERS, LLC**

NexPoint Real Estate Partners, LLC f/k/a HCREE Partners, LLC (“NREP”) files this Response to Debtor’s Motion to Disqualify Wick Phillips Gould & Martin, LLP as Counsel to HCREE Partners, LLC (“Motion to Disqualify”) and respectfully states as follows:

For the reasons set forth more fully in its Brief in Opposition to Debtor’s Motion to Disqualify and its Appendix, NREP opposes the Debtor’s Motion to Disqualify because the Previous Representation¹ is not substantially similar to the Current Representation, the Debtor did not provide Wick Phillips with any confidential information and there is no risk that Wick Phillips

¹ Capitalized terms not defined herein shall have the definition given in NREP’s Brief in Support of its Response to Motion to Disqualify Wick Phillips Gould & Martin, LLP as Counsel to HCREE Partners, LLC, filed contemporaneously with this Response.



may divulge any confidential information in connection with the Current Representation, and there is no appearance of impropriety. As required by the Local Rules for the United States Bankruptcy Court for the Northern District of Texas, NREP submits its contentions of fact, law, arguments, and authorities in its Brief in Opposition and evidence in its Appendix,² which will be filed contemporaneously with this Motion.

I. CONCLUSION

For these reasons, NREP respectfully requests the Court grant its Motion for Summary Judgment, dismiss all of the Trustee's claims against it with prejudice, and award it all such other relief at law or in equity to which it may be entitled.

Respectfully submitted,

/s/ Lauren K. Drawhorn _____

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**COUNSEL FOR NEXPOINT REAL ESTATE
PARTNERS, LLC f/k/a HCORE PARTNERS, LLC**

² Because many of the documents contained in the Appendix are Discovery Materials which have been marked Confidential, in compliance with the Agreed Protective Order in this bankruptcy case, NREP has filed a Motion to File Appendix under Seal contemporaneously with this Response.

CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2021, a true and correct copy of the foregoing Joinder was served via the Court's electronic case filing (ECF) system upon all parties receiving such service in this bankruptcy case; and via e-mail upon the following parties:

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/s/ Lauren K. Drawhorn

Lauren K. Drawhorn

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ORDER DENYING MOTION TO DISQUALIFY

After considering the Debtor's Motion to Disqualify Wick Phillips Gould & Martin LLP as Counsel to HCRE Partners, LLC and Brief in Support ("Motion to Disqualify"), NexPoint Real Estate Partners LLC f/k/a HCRE Partners' Response to the Debtor's Motion to Disqualify and Brief in Opposition (the "Response"), the pleadings, evidence, and arguments of counsel, the Court is of the opinion that the Motion to Disqualify should be DENIED. It is therefore, ORDERED that:

The Motion to Disqualify is DENIED.

End of Order